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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,457	06/05/2001	Stephen C. O'Neal	MSFT4947.2	5814

321 7590 03/18/2003

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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,457

Applicant(s)

O'NEAL, STEPHEN C.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,9-10,13-14 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Pepe et al.** (US 5,742,905).

As to Claims 1, 9-10,13-14,17-18, with respect to Figures 1-5, **Pepe** teaches an apparatus for sending a broadcast message to an office (first recipient) and a client (second recipient), the first recipient having e-mail (a first receiving device) addressable over a data network and the second recipient having facsimile (a second receiving device) addressable over a telephone network, the apparatus comprising:

a message router, 48, configured to translate the broadcast message into an e-mail (first message) and a facsimile (second message), said first message being in a first format for delivery to the first receiving device, said second message being in a second format for delivery to the second receiving device (Figure 5, Col. 8, lines 31-52 and Col. 23, lines 45-49);

a data network server, 112, coupled to said message router, configured to transmit said first and second messages over the data network, and to deliver said first message to the first receiving device (Figure 5 and Col. 8, lines 32-40); and

a telephone network server, 110, coupled to said data network server, configured to receive said second message from the data network, and to deliver the second message to the second receiving device over the telephone network (Figure 5 and Col. 11, lines 36-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8, 11-12, 15-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pepe**.

As to Claims 2, 5-6, **Pepe** teaches the apparatus as recited in claim 1, wherein:

Pepe does not teach the following limitation:

“the broadcast message is originated in voice form”

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However, it is obvious that **Pepe** suggests the limitation. This is because **Pepe** teaches an Example broadcast and receiving and delivering messages in any type of media (Figures 1 and 3, Col. 23, lines 45-62). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to originate voice messages in voice form for broadcast to different receiving devices in different formats.

As to Claim 3, **Pepe** teaches the apparatus as recited in claim 2, wherein the first receiving device is a computer (Figure 1, label 22).

As to Claim 4, **Pepe** teaches the apparatus as recited in claim 3, wherein said computer has an IP address, said IP address corresponding to the first recipient (Figure 1, label 22 and Col. 25, lines 18-30).

As to Claims 7-8,15-16, **Pepe** teaches the apparatus as recited in claim 1, wherein:

Pepe does not teach the following limitation:

“the second receiving device is a telephone”

However, it is obvious that **Pepe** suggests the limitation. This is because **Pepe** teaches an Example broadcast and receiving and delivering messages in any type of media (Figures 1 and 3, Col. 23, lines 45-62). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to deliver broadcast messages to telephones for broadcast to different receiving devices in different formats.

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As to Claims 11-12,19-20, **Pepe** teaches the apparatus as recited in claim 1, wherein:

Pepe does not teach the following limitation:

“the second receiving device is a pager”

However, it is obvious that **Pepe** suggests the limitation. This is because **Pepe** teaches an Example broadcast and receiving and delivering messages in any type of media (Figures 1 and 3, Col. 23, lines 45-62). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to deliver broadcast messages to pagers for broadcast to different receiving devices in different formats.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaPorta et al. (US 6,014,429) teach broadcast of messages to different devices using message codes.

Goldberg et al. (US 2002/0001371) teach broadcasting messages to different devices.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
3/10/03